



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CYNTHIA S. GILLETTE, ETC., ET AL.,

Plaintiff(s),

Case No. 07 CV 4697

-against-

AFFIDAVIT OF SERVICE

JEFFREY ENDERVELT, ET AL.,

Defendant(s).
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STATE OF NEW YORK)
S.S.
COUNTY OF ROCKLAND)

DAVID KSIAZEK, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 6th day of June, 2007, at approximately the time of 4:00 PM, deponent served a true copy of the SUMMONS, COMPLAINT, STATEMENT PURSUANT TO FED. R. CIV. P. 7.1, ELECTRONIC FILING INSTRUCTIONS, INDIVIDUAL PRACTICES OF JUDGE ROBERT W. SWEET AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON upon BELLE ENDERVELT at Blimpie of California, Inc., 145 Huguenot Street, Suite 410, New Rochelle, New York 10801, by personally delivering and leaving the same with JEFFREY ENDERVELT, a person of suitable age and discretion at that address. At the time of service, deponent asked if BELLE ENDERVELT is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

JEFFREY ENDERVELT is a white male, approximately 55 years of age, stands approximately 5 feet 10 inches tall, weighs approximately 185 pounds with black hair, brown eyes and glasses.



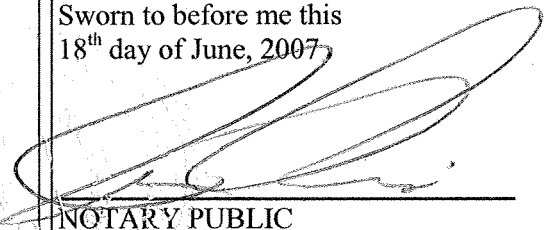
That on the 10th day of June, 2007, deponent served another copy of the foregoing upon BELLE ENDERVELT by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City of New City and State of New York, addressed as follows:

BELLE ENDERVELT
c/o Blimpie of California, Inc.
145 Huguenot Street, Suite 410
New Rochelle, New York 10801



DAVID KSIAZEK #0974523

Sworn to before me this
18th day of June, 2007



NOTARY PUBLIC

JONATHAN T. RIPPS
Notary Public, State of New York
NO. 01R16109718
Qualified in Rockland County
Certificate Filed in New York County
Commission Expires May 17, 20 08